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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

DAVID ALAN COHEN,

Defendant

Case No.: 2:17-cr-00114-APG-CWH

**Order Accepting Report and
Recommendation and Denying Motion to
Dismiss and Motion to Strike**

[ECF Nos. 235, 237, 257]

On July 18, 2018, Magistrate Judge Hoffman issued a report and recommendation recommending I deny defendant David Alan Cohen's motion to dismiss because the court has already addressed the arguments raised in that motion and there is no basis to reconsider and because the motion is untimely. ECF No. 257. Judge Hoffman also recommended I deny the Government's motion to strike as moot. Neither Cohen nor the Government filed an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

IT IS THEREFORE ORDERED that Judge Hoffman's report and recommendation (**ECF No. 257**) is **accepted**, defendant David Alan Cohen's motion to dismiss (**ECF No. 235**) is **DENIED**, and the Government's motion to strike (**ECF No. 237**) is **DENIED as moot**.

DATED this 10th day of August, 2018.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE